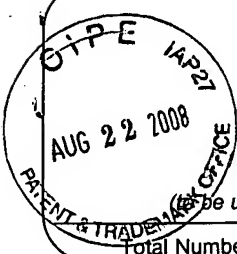


08-25-08

ID-AC

# TRANSMITTAL FORM



(To be used for all correspondence after initial filing)

Application Number	10/530,902
Filing Date	April 8, 2005
First Named Inventor	Graeme Semple, et al.
Art Unit	1626
Examiner Name	Rebecca L. Anderson
Attorney Docket Number	22578-0002US1

Total Number of Pages in This Submission

23

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition to withdraw Notice of Abandonment
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):  
Copy Notice of Abandonment, Response to the Restriction Requirement of July 2, 2008; Request for Corrected Official Filing Receipt and a copy of the original filing receipt; Petition for Extension of Time of July 2, 2008; copy of U.S. Express Mail Label No. EV622713906, return postcard stamped by USPTO mailroom on July 2, 2008; declaration of mailing by Express Mail signed by Steven D. Thompson on July 2, 2008.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	Fish & Richardson P.C.
Signature	<i>Susanne H. Goodson</i>
Printed Name	Susanne H. Goodson, Ph.D., Reg. No. 58,450
Date	August 22, 2008

## CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 622713937 US

August 22, 2008

Date of Deposit



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Graeme Semple, et al.                      Art Unit : 1626  
Serial No. : 10/530,902                                      Examiner : Rebecca L. Anderson  
Filed : April 8, 2005  
Title : 5-SUBSTITUTED 2H-PYRAZONE-3-CARBOXYLIC ACID DERIVATIVES AS  
ANTILIPOLYTIC AGENTS FOR THE TREATMENT OF METABOLIC-  
RELATED DISORDERS SUCH AS DYSLIPIDEMIA

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed August 6, 2008 (copy enclosed). The application was abandoned under 37 CFR §1.135 for failure to respond to the Restriction Requirement mailed January 8, 2008.

The undersigned, applicant's attorney of record, first became aware of the abandonment on August 20, 2008, and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1). Applicant's undersigned representative, Susanne H. Goodson, further states that the attached documents are true copies of the original documents mailed by Express Mail on July 2, 2008.

True copies of the following documents are submitted under 37 CFR §1.8(b)(2) as proof that a Response was timely filed on July 2, 2008:

1. A copy of the response to the Restriction Requirement, marked with the Express Mail Label number, signed by Susanne H. Goodson, on July 2, 2008;
2. A copy of the Request for a Corrected Filing Receipt, marked with the Express Mail Label number, with the Express Mail Label number, signed by Susanne H. Goodson, on July 2, 2008, and a copy of the original filing receipt;

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 622713937 US

August 22, 2008  
Date of Deposit

3. A copy of the Petition for Extension of Time, marked with the Express Mail Label number, signed by Susanne H. Goodson on July 2, 2008, which extended the period for responding to the Restriction Requirement for 5 months, to and including July 8, 2008 and authorized a charge of \$2230 and any other charges or credits to Deposit Account 06-1050;

4. A copy of the U.S. Express Mail Label No. EV622713906, showing a "date accepted" of July 2, 2008;

5. A copy of the postcard, listing each submitted item, stamped received by the PTO Mailroom on July 2, 2008; and

6. A copy of a declaration of mailing by Express Mail, attesting on the basis of personal knowledge that the above-referenced papers were deposited with the U.S. Postal Service, signed by Steven D. Thompson, on July 2, 2008.

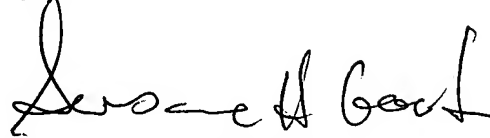
Applicant notes that the Express Mail label was placed on the response to the Restriction Requirement, the Request for a Corrected Filing Receipt, and the Petition for an Extension of Time. Applicant further notes that the "date accepted" field of the Express Mail label indicates that the papers were deposited with the U.S. Postal Service on July 2, 2008, before the deadline of July 8, 2008. Finally, Applicant notes that the PTO acknowledged receipt of the listed items by stamping the return postcard with the date of July 2, 2008, and mailing said postcard to Applicant's representative. Hence, Applicant submits that the response to the Restriction Requirement was timely filed and requests that the holding of abandonment in the Notice of Abandonment be withdrawn.

Applicant : Graeme Semple, et al.  
Serial No. : 10/530,902  
Filed : April 8, 2005  
Page : 3 of 3

Attorney's Docket No.: 22578-0002US1 / 029.US2.PCT

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,



Date: August 22, 2008

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Susanne H. Goodson, Ph.D.  
Reg. No. 58,450

Fish & Richardson P.C.  
P.O. Box 1022  
Minneapolis, MN 55440-1022  
Telephone: (302) 652-5070  
Facsimile: (877) 769-7945

Enclosures:    Copies of:  
                  Notice of Abandonment  
                  Response to the Restriction Requirement of July 2, 2008;  
                  Request for a Corrected Filing Receipt of July 2, 2008, and a copy of the  
  original filing receipt;  
                  Petition for Extension of Time of July 2, 2008;  
                  U.S. Express Mail Label No. EV622713906;  
                  Return Postcard, stamped by PTO mailroom on July 2, 2008;  
                  Declaration of Mailing by Express Mail, signed by Steven D. Thompson,  
  on July 2, 2008.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,902	04/08/2005	Graeme Semple	22578-002US1 029.US2.PCT	2895
26204 7590 08/06/2008 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER SAEED, KAMAL A	
			ART UNIT 1626	PAPER NUMBER
			MAIL DATE 08/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



# **Notice of Abandonment**

Application No.

10/530,902

Examiner

Kamal A. Saeed

Applicant(s)

SEMPLE ET AL.

Art Unit

1626

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 January 2008.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

No reply to an office action mailed on January 8, 2008 was received.

/Kamal A Saeed, Ph.D./  
Primary Examiner, Art Unit 1626

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Number of Pages Submitted including this form

18

Application Number

10/530,902

Filing Date

April 8, 2005

First Named Inventor

Graeme Semple, et al.

Art Unit

1626

Examiner Name

Rebecca L. Anderson

Attorney Docket Number

22578-002US1

## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

Response to Restriction Requirement

☒ Amendment / Reply to Restriction Requirement w/attachment

☐ After Final

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☐ Proprietary Information

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☒ Other Enclosure(s) (please identify below):

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Return Receipt Postcard

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name

Fish & Richardson P.C.

Signature

Printed Name

Susanne H. Goodson, Ph.D., Reg. No. 58,450

Date

July 2, 2008

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 622713906 US

July 2, 2008

Date of Deposit